

IC 20-29-8

Chapter 8. Impasse Procedures

IC 20-29-8-1

Purposes of mediation of disputes

Sec. 1. The purposes of mediation of disputes between school employers and exclusive representatives are the following:

- (1) To delineate the problems involved in bargaining collectively.
- (2) To find solutions that can reasonably be accepted by both parties.
- (3) To determine common grounds, if any.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-2

Mediators

Sec. 2. The board shall establish and hire a:

- (1) permanent staff of mediators; and
- (2) panel of part-time mediators.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-3

Appointment of mediator

Sec. 3. When a mediator is requested or required under IC 20-29-6, the board shall appoint a mediator from the staff or panel established under section 2 of this chapter.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-4

Confidentiality of mediation

Sec. 4. The mediation process is confidential in nature. The mediator is not subject to the subpoena power of courts or other administrative agencies of the state regarding the subjects discussed as a part of the mediation process.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-5

Purpose of factfinding

Sec. 5. The purpose of factfinding is to give a neutral advisory opinion whenever the parties are unable by themselves, or through a mediator, to resolve a dispute.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-6

Factfinders

Sec. 6. (a) The board shall establish and hire a:

- (1) permanent staff of factfinders; and
- (2) panel of part-time factfinders.

(b) The persons described in subsection (a) may also be mediators.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-7

Appointment of factfinder

Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder from the staff or panel established under section 6 of this chapter.

(b) The factfinder shall make an investigation and hold hearings as the factfinder considers necessary in connection with a dispute.

(c) The factfinder may restrict the factfinder's findings to those issues that the factfinder determines significant.

(d) The factfinder may use evidence furnished to the factfinder by:

- (1) the parties;
- (2) the board;
- (3) the board's staff; or
- (4) any other state agency.

(e) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(f) The factfinder shall:

- (1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and
- (2) deliver the findings to the parties and to the board.

(g) The board, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

- (1) the report; or
- (2) the board's own possession.

(h) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through news media and other means the board considers effective.

(i) The board shall make the findings and recommendations described in subsection (h) available to the public not later than ten (10) days after the findings and recommendations are delivered to the board.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-8

Factors considered by factfinder

Sec. 8. In conducting hearings and investigations, the factfinder is not bound by IC 4-21.5. The factfinder shall, however, consider the following factors:

- (1) Past memoranda of agreements and contracts between the parties.
- (2) Comparisons of wages and hours of the employees involved with wages of other employees working for other public agencies and private concerns doing comparable work, giving

consideration to factors peculiar to the school corporation.

(3) The public interest.

(4) The financial impact on the school corporation and whether any settlement will cause the school corporation to engage in deficit financing.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-9

Submission of issue to arbitration

Sec. 9. The school employer and the exclusive representative may also at any time submit any issue in dispute to final and binding arbitration to an arbitrator appointed by the board. The award in the arbitration constitutes the final contract between the parties for the issue.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-10

Mediator may not serve as factfinder or arbitrator

Sec. 10. A person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder or an arbitrator in a dispute arising in the same school corporation within a period of five (5) years except by the mutual consent of the parties.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-11

Other employment of mediators and factfinders

Sec. 11. Mediators and factfinders may not be employed on a full-time or part-time basis by:

- (1) a public school employer that is a school corporation; or
- (2) an organization of:
 - (A) public employees; or
 - (B) public employers; or
- (3) affiliates of an organization described in subdivision (2)(A) or (2)(B).

As added by P.L.1-2005, SEC.13.

IC 20-29-8-12

Payment of expenses by board

Sec. 12. The board shall pay the following:

- (1) The compensation and expenses of any mediator or factfinder.
- (2) The cost of an arbitrator, which shall be reimbursed equally by the two (2) parties under procedures for collection and payment established by the board.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-13

Findings and recommendations

Sec. 13. (a) The investigation, hearing, and findings of the

factfinder must be:

- (1) made as expeditiously as the circumstances allow; and
- (2) delivered to the parties and to the board.

(b) The board, after receiving the findings and recommendations under subsection (a), may make additional findings and recommendations to the parties based upon information in the report or in the board's possession.

(c) The board:

- (1) may, at any time within five (5) days; and
- (2) shall, within ten (10) days;

after receiving the findings and recommendations delivered under subsection (a), make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through the news media and any other means.

As added by P.L.1-2005, SEC.13.

IC 20-29-8-14

Further mediation and factfinding upon issuance of tentative individual contracts

Sec. 14. If a school employer issues tentative individual contracts, the board shall provide for further mediation and factfinding until an agreement is reached.

As added by P.L.1-2005, SEC.13.